IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5562 OF 2007

Khambayya Rameshwar V.K.S. (VIKAS)
Seva Sanstha Maryadeet, Manadur, Kolhapur..... .....Petitioner
V/s
Proposed Shri Shivshambho V.K.S. (VIKAS) Seva
Sanstha Maryadeet & Ors... ....Respondents.

Mr.P.D.Dalvi, Adv. For the petitioner.

Mr.S.S.Patwardhan, Adv. For respondent No.1.

Ms.V.S.Mhaispurkar, AGP for respondent Nos. 3 to 5.

CORAM: A.P.DESHPANDE, J.
27/8/07

PC:

Rule. Rule made returnable forthwith.

Taken up for final hearing by consent of both the parties.

The present petitioner questions the legality and validity of the order dated 19.7.07 passed by the Minister of State for Cooperation, Marketing and Textile allowing the revision filed by respondent No.1 and permitting registration of the Society.

2. It is undisputed that the present petitioner which is an existing society was not heard in the matter and the order goes to observe that the petitioner has given no objection for registration of respondent No.1-society which fact is in dispute. Be it as it may, both the learned counsel

appearing for the petitioner so also for contesting respondent No.1 are agreeable that the impugned order be quashed and set aside solely on the ground that the present petitioner was not heard in the matter. It is brought to my notice that after passing of the impugned order the respondent No.1-society has been granted registration and the 1st respondent has also acted in pursuance of the said registration. In this view of the matter the impugned order dated 19.7.07 is quashed and set aside. However registration of respondent No.1-society shall not be disturbed. Learned counsel on instructions from respondent No.1 undertakes not to act further on the basis of the said registration in regard to disbursement of loans and shall not avail of finance from federal society. Both the parties undertake to appear before the concerned Minister on 3.9.2007. The Minister shall hear the parties and pass an order in accordance with law within a period of one week from the date of hearing of the matter. The present arrangement shall continue till the decision of revision pending on the file of State Government. Rule made absolute in above terms. Authenticated copy of the order be issued.

27.8.07